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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,839	01/24/2001	Philip D. Mooney	29250-001021/US	2205

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2618

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/767,839

Applicant(s)

MOONEY ET AL.

Examiner

Tu X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/3/06 have been fully considered but they are not persuasive.

In respond to Applicants' argument "Anvekar does not disclose the selection of one of a plurality input audio signals according to a stored selection instruction which specified a designated triggering event. Instead, Anvekar appears to disclose that when an incoming cell phone call, for example, is received by a user, a headset 400 is instructed to switch over the cell phone by either pressing a key or uttering an instruction into a microphone, see par.019". The examiner agrees that the device manually operated by a user to switch between audio sources. However, in another embodiment, Anvekar discloses "preprogrammed or programmed by the user. For example, the device may be programmed to automatically play a recorded message when the user is already busy with another call or it could be made to automatically connect to an incoming call when the user is listening to music" (see par.022).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17, 19-21 and 23-48, are rejected under 35 U.S.C. 102(e) as being anticipated by Anvekar et al.

Regarding claim 1, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022).

Regarding claim 12, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from respective electronic devices; selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014).

Regarding claims 24, 27, Anvekar et al. disclose a device for switching among wireless audio sources, comprising: a wireless receiver which receives a plurality of audio signals transmitted from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Regarding claim 33, Anvekar et al. disclose a system of electronic devices (see fig.1), comprising: a wireless receiver which receives a plurality of audio signals transmitted from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Regarding claim 37, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022), wherein designated triggering event is receipt of an incoming information update (see par.019, "the user next receives an incoming cell phone" corresponds to "receipt of an incoming information update").

Regarding claim 38, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from respective electronic devices; selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for

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triggering said selection (see par.022, par.014), wherein designated triggering event is receipt of an incoming information update (see par.019).

Regarding claim 39, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from the same network (see par.014) from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig. 1, par.022).

Regarding claim 41, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from the same network (see par.014); selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014).

Regarding claims 43, 45 and 47, Anvekar et al. disclose a system of electronic devices (see fig.1), comprising: a wireless receiver which receives a plurality of audio signals transmitted from the same network (see par.014) from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said

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designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Regarding claims 2 and 13-14, Anvekar et al. disclose selecting is performed according to a plurality of selection instructions (see par.019).

Regarding claims 3, 15, Anvekar et al. disclose each of said selection instructions is associated with a respective wireless audio source so that selection of a particular wireless audio source occurs in response to a triggering event included in the associated selection instruction (see par.019).

Regarding claims 4, 7, 31, 34, Anvekar et al. disclose designated triggering event includes receipt of a message from a wireless audio source (see 022).

Regarding claim 6, Anvekar et al. disclose designated triggering event is receipt of an incoming information update (see par.019).

Regarding claims 8, 17, 19, 30, Anvekar et al. disclose designated triggering event is a request to communicate via a mobile telephone (see par.019).

Regarding claims 9, 25, 28, Anvekar et al. disclose 9 wireless audio sources are in RF communication with said wireless receiver (see par.014).

Regarding claims 10, 26, 29, 35-36, Anvekar et al. disclose wireless receiver and said wireless audio sources are Bluetooth.TM. compliant (see par.014).

Regarding claim 11, Anvekar et al. disclose wireless receiver and said audio signal reproducing device are included in a headset (see par.015).

Regarding claims 16, 32, Anvekar et al. disclose designated triggering event is a chronological event (see par.020).

Regarding claim 20, Anvekar et al. disclose one of said first and second portable electronic devices is an AM/FM radio (see par.014).

Regarding claim 21, Anvekar et al. disclose at least one of said first and second portable electronic devices is a compact disc (CD) player (see par.014).

Regarding claim 23, Anvekar et al. disclose at least one of said first and second portable electronic devices is a personal computer (see par.014).

Regarding claims 40, 42, 44, 46, Anvekar et al. disclose the network comprises a piconet (see par.014).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar et al.

Regarding claim 22, Anvekar et al. fail to disclose at least one of said first and second portable electronic devices is a walkie-talkie radio. However, the Examiner takes an Official notice that the concept push to talk radio is well known in the art. It would have been obvious that the first and second portable electronic devices are operating in half duplex communications between them.



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6. Claims 18 and 49-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar et al. in view of Lowe et al. (US Patent 6,298,218).

Regarding claim 18, Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

Regarding claim 49, Anvekar et al. disclose everything as claim 1 above. However, Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

Regarding claim 50, Anvekar et al. disclose everything as claim 12 above. However, Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see col.3 lines 20-25). Therefore,

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it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

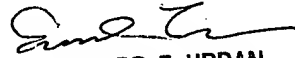
### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN  
March 28, 2006

  
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